

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZACKERY POTTEIGER,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No.: 3:25-cv-00056-MMD-CSD

ORDER

On January 27, 2025, plaintiff Zackery Potteiger, an inmate in the custody of the Nevada Department of Corrections, submitted an application to proceed *in forma pauperis* and a civil-rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff's *in forma pauperis* application is incomplete because it failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at the NDOC facility for a full six-month period, Plaintiff must still submit a financial certificate and an inmate account statement for the dates that Plaintiff has been at the facility.

I. DISCUSSION

Plaintiff must pay the required filing fee or file a complete application to proceed *in forma pauperis* to continue with this action. The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy

1 of the inmate's prison or jail trust fund account statement for the previous six-
2 month period. See 28 U.S.C. § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status
3 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that
4 the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 II. CONCLUSION

6 It is therefore ordered that Plaintiff's incomplete application to proceed *in forma*
7 *pauperis* (ECF No. 1) is denied without prejudice.

8 It is further ordered that Plaintiff has **until April 4, 2025**, to either pay the full \$405
9 filing fee or file: (1) a completed application to proceed *in forma pauperis* with the inmate's
10 two signatures on page 3, (2) a completed financial certificate that is signed both by the
11 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
12 statement for the previous six-month period.

13 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
14 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
15 to refile the case with the Court, under a new case number, when Plaintiff can file a
16 complete application to proceed *in forma pauperis* or pay the required filing fee.

17 The Clerk of the Court is directed to send Plaintiff the approved form application to
18 proceed *in forma pauperis* for an inmate with instructions, and to retain the complaint
19 (ECF No. 1-1) but not file it at this time.

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22 DATED: February 3, 2025

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25 UNITED STATES MAGISTRATE JUDGE
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